

Exhibit 15

Deposition of Jeremy Lappen
(February 28, 2017)
(excerpted)

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon)
Fitch, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
v.) Lead Case No.
) 2:15-cv-01045-RFB-(PAL)
Zuffa, LLC, d/b/a Ultimate)
Fighting Championship and)
UFC,)
)
Defendant.)
_____)

VIDEOTAPED DEPOSITION OF JEREMY LAPPEN

LOS ANGELES, CALIFORNIA

February 28, 2017

11:13 a.m.

Reported By:
Tracy Mafi, CSR No. 11850
Job No. 48785

<p style="text-align: right;">130</p> <p>1 Mr. Couture had to sign a contract or there would be 2 negative consequences? 3 A Well, I mean, there was the conversations 4 that were detailed in the letter that we sent. I 5 would say that that falls into that -- into that 6 example; right? 7 Q Yes. Okay. 8 And do you recall any other instances where 9 he contacted you and threatened that there would be 10 negative consequences if Mr. Couture didn't agree to 11 some contract -- contractual clause? 12 MR. McSWEENEY: Objection; lacks 13 foundation. 14 THE WITNESS: In addition to the stuff that 15 I pointed out in that letter, I don't remember. My 16 guess would be, yeah, probably. 17 BY MR. RAYHILL: 18 Q Okay. And when you say "yeah, probably," 19 what's the basis for that statement? 20 A My basis is -- 21 MR. McSWEENEY: Objection. 22 THE WITNESS: My basis is I remember having 23 multiple communications with Dana over contract 24 negotiations where there was -- he did exchange from 25 his side saying that, you know, there will be</p>	<p style="text-align: right;">132</p> <p>1 well, I'll read starting from the beginning. He 2 says: 3 "EliteXC put on a very good show on 4 CBS in prime time on 7/26," that being a 5 date, "and a few days later it was clear 6 just how little that meant. The show 7 bombed in the ratings, doing a 1.7 rating 8 and 2.6 million viewers and actually drew 9 less viewers in the target male 18-24 10 demo than Spike TV's replay of UFC 84 from 11 5/24." 12 That's a date also, May 24th. 13 So do you recall -- first of all, so the 14 EliteXC event on July 26th, is this an event that 15 you remember? 16 A I think so. I think I know what event this 17 was. 18 Q And do you recall -- it says here that 19 Spike TV ran a replay of UFC 84 from May 24th. 20 Do you recall whether that was the case? 21 A I don't recall, but probably. 22 Q If it were the case, would this be a case 23 of counter-programming? 24 MR. McSWEENEY: Objection; calls for 25 speculation.</p>
<p style="text-align: right;">131</p> <p>1 negative repercussions if this isn't agreed to. 2 BY MR. RAYHILL: 3 Q And so when you negotiated a contract, not 4 all the negotiations took place in a written form; 5 is that correct? 6 A No, there were many times just on the 7 telephone. 8 Q Okay. 9 (Whereupon Plaintiff Exhibit 206 was 10 marked for identification by the court 11 reporter and is attached hereto.) 12 BY MR. RAYHILL: 13 Q You've been handed what's been marked as 14 Exhibit 206. And I welcome you to take a -- look at 15 as much of the document as you like, but I'm only 16 going to ask about one page, and that is -- there's 17 no individual Bates numbers on the document, but it 18 has a handwritten number 6 on the bottom. 19 A Okay. 20 Q Let me know when you're ready. 21 A I'm ready. 22 Q So this is -- the top of the document says 23 "Wrestling Observer Newsletter." It has an address 24 in Campbell, California, and the date is August 4th, 25 2008. And in the second paragraph, on the left --</p>	<p style="text-align: right;">133</p> <p>1 THE WITNESS: Yeah. Yeah, I think they did 2 that quite often. If you look farther down in that 3 paragraph, it talks about doing the same thing for a 4 show before that. 5 BY MR. RAYHILL: 6 Q Okay. And I'll just read that sentence. 7 It says -- talking about a prior EliteXC event, it 8 says: 9 "And that show had similar head-to-head 10 competition of UFC putting on a first run 11 of Chuck Liddell versus Wanderlei Silva 12 match on Spike." 13 Are those names that you recognize, Chuck 14 Liddell and Wanderlei Silva? 15 A Yes. 16 Q Can you tell me are they -- are they 17 prominent MMA fighters? 18 A Yes. 19 Q Would that have been a popular match in 20 your estimation? 21 MR. McSWEENEY: Objection. 22 BY MR. RAYHILL: 23 Q Let me rephrase the question. 24 Given the notoriety and popularity of the 25 two players who were involved in that match, do you</p>

<p style="text-align: right;">134</p> <p>1 think it's possible that the replay on Spike would</p> <p>2 have drawn viewers away from the EliteXC event?</p> <p>3 A I don't know.</p> <p>4 Q Okay. On the top of the second column on</p> <p>5 the same page, the very first sentence at the top</p> <p>6 there, very first full sentence reads:</p> <p>7 "Jeremy Lappen seemed to be the</p> <p>8 company's key front figure after the show</p> <p>9 running the press conference and talking</p> <p>10 about how he would match his champions in</p> <p>11 the various weight classes against</p> <p>12 champions from any other organization."</p> <p>13 Did you ever get the opportunity to match</p> <p>14 your champions against champions from other</p> <p>15 organizations?</p> <p>16 A I don't think so. I can't remember if we</p> <p>17 fought Strike Force Champions or not. We may have.</p> <p>18 When Affliction -- I don't think Andrei Arlovski was</p> <p>19 their champion when he came and fought on one of our</p> <p>20 cards. Maybe like a Cage Rage champion.</p> <p>21 Q As a promoter, is that something you would</p> <p>22 have liked to have had the opportunity to do?</p> <p>23 A Sure, if it made sense, yeah.</p> <p>24 Q Do you think it would have been to the</p> <p>25 benefit of the fighters to have a chance to fight</p>	<p style="text-align: right;">136</p> <p>1 that was the hit but two key personalities</p> <p>2 who each drew one million new viewers for</p> <p>3 their matches to carry them."</p> <p>4 Do you agree with the statement that --</p> <p>5 that it's not MMA in its prime time that was the</p> <p>6 hit, but the key personalities that each drew one</p> <p>7 million new viewers?</p> <p>8 A Yes.</p> <p>9 Q Are fighters with notoriety like that</p> <p>10 essential to building a successful MMA promotion?</p> <p>11 MR. McSWEENEY: Objection to form.</p> <p>12 THE WITNESS: Yeah, the fighters are what</p> <p>13 draws.</p> <p>14 BY MR. RAYHILL:</p> <p>15 Q Did EliteXC have difficulty attracting top</p> <p>16 fighters that could draw viewers on the same level</p> <p>17 as Kimbo Slice?</p> <p>18 A Kimbo Slice was an EliteXC fighter.</p> <p>19 Q Yes, I understand that.</p> <p>20 A Okay.</p> <p>21 Q But so --</p> <p>22 A Is it hard to find fighters of his caliber,</p> <p>23 his fame --</p> <p>24 Q Yes.</p> <p>25 A -- ability to draw a crowd?</p>
<p style="text-align: right;">135</p> <p>1 champions from other promotions?</p> <p>2 MR. McSWEENEY: Objection; calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: I think it just depends on</p> <p>5 the situation.</p> <p>6 BY MR. RAYHILL:</p> <p>7 Q Fourth full paragraph in that second column</p> <p>8 beginning with words "Shaw understood..."</p> <p>9 First of all, do you know who he's</p> <p>10 referring to when he says Shaw?</p> <p>11 A That is Gary Shaw.</p> <p>12 Q And who was Gary Shaw?</p> <p>13 A He was the president of EliteXC in the</p> <p>14 beginning.</p> <p>15 Q Okay. And it says:</p> <p>16 "Shaw understood that from the start"</p> <p>17 -- "Shaw understood that from the start</p> <p>18 about the star power issue when Slice</p> <p>19 wouldn't be ready for the show and was</p> <p>20 against running the date."</p> <p>21 Can you tell me who Slice is?</p> <p>22 A Kimbo Slice.</p> <p>23 Q "CBS felt they needed to capitalize on</p> <p>24 the momentum built. CBS didn't understand</p> <p>25 that it was not MMA in prime time on CBS</p>	<p style="text-align: right;">137</p> <p>1 Q Yes.</p> <p>2 A Yes, definitely.</p> <p>3 Q And do you have a sense of why that was?</p> <p>4 A It's trying to find a star. I mean, it's</p> <p>5 hard to find a star. They have a certain X factor.</p> <p>6 That's what the business is about, I think. Most</p> <p>7 promotions have difficulty finding somebody. And he</p> <p>8 still holds the record for the most watched fight in</p> <p>9 the U.S., mixed martial arts fight.</p> <p>10 Q The contracts that you negotiated for your</p> <p>11 fighters with Zuffa, were those contracts all</p> <p>12 exclusive contracts, by which I mean were fighters</p> <p>13 prevented from fighting for another promoter while</p> <p>14 they were under contract with Zuffa?</p> <p>15 A Yes.</p> <p>16 MR. McSWEENEY: Objection to form.</p> <p>17 BY MR. RAYHILL:</p> <p>18 Q And based on your experience running -- I</p> <p>19 believe you said you were the president for fight</p> <p>20 operations for EliteXC?</p> <p>21 A Yes.</p> <p>22 Q Okay. So based on your experience as</p> <p>23 president of fight operations for EliteXC, did the</p> <p>24 fact that Zuffa signed its athletes to exclusive</p> <p>25 contracts affect EliteXC's ability to attract</p>

<p style="text-align: right;">138</p> <p>1 fighters with that X factor that you were referring</p> <p>2 to?</p> <p>3 MR. McSWEENEY: Objection; calls for</p> <p>4 speculation.</p> <p>5 THE WITNESS: Well, assuming that UFC had</p> <p>6 people who would draw an audience that was under</p> <p>7 exclusive contract and we couldn't sign them, then</p> <p>8 yes, that would affect us.</p> <p>9 BY MR. RAYHILL:</p> <p>10 Q So were you familiar with many of the</p> <p>11 fighters who fought for UFC at that time?</p> <p>12 A Yes.</p> <p>13 Q And taking Mr. Couture as an example, would</p> <p>14 you say that Mr. Couture is a fighter with the X</p> <p>15 factor that you referred to?</p> <p>16 A Yes.</p> <p>17 Q And could a promotion -- when you ran</p> <p>18 EliteXC, were you able to sign fighters of</p> <p>19 Mr. Couture's caliber?</p> <p>20 A Well, I wasn't able to sign a fighter if he</p> <p>21 was under contract with UFC, I couldn't sign them.</p> <p>22 But I signed many fighters that were very high-level</p> <p>23 fighters.</p> <p>24 Q As high level as Mr. Couture, would you</p> <p>25 say?</p>	<p style="text-align: right;">140</p> <p>1 don't want competition,' Lappen said of the</p> <p>2 UFC. 'They want a monopoly. They operate</p> <p>3 that way.'"</p> <p>4 Do you recall making those statements?</p> <p>5 A I don't. Sorry.</p> <p>6 MS. GRIGSBY: And, Counsel, I think you</p> <p>7 skipped a few words.</p> <p>8 MR. RAYHILL: Oh, did I?</p> <p>9 MS. GRIGSBY: Yeah, "They want to be</p> <p>10 a monopoly."</p> <p>11 MR. RAYHILL: Right. So the full -- right.</p> <p>12 So the record is good, then, on that one, yeah.</p> <p>13 BY MR. RAYHILL:</p> <p>14 Q Do you have any reason to believe</p> <p>15 you didn't make this statement?</p> <p>16 A No, I'm sure I made it. I just don't</p> <p>17 remember it.</p> <p>18 Q Okay. So do you have a sense of what you</p> <p>19 meant when you said "they don't want competition"?</p> <p>20 A Yeah, I think I meant that they don't want</p> <p>21 competition.</p> <p>22 Q Thank you for clarifying.</p> <p>23 I'm going to go ahead and ask anyways. Do</p> <p>24 you recall what you meant when you said "they want</p> <p>25 to be a monopoly"?</p>
<p style="text-align: right;">139</p> <p>1 A It's debatable.</p> <p>2 Q Okay. I'm finished with that document.</p> <p>3 (Whereupon Plaintiff Exhibit 207 was</p> <p>4 marked for identification by the court</p> <p>5 reporter and is attached hereto.)</p> <p>6 BY MR. RAYHILL:</p> <p>7 Q So you've been handed what's been marked as</p> <p>8 Exhibit 207. This is an article that I downloaded</p> <p>9 from the Internet from the Web address that's listed</p> <p>10 at the top of the article.</p> <p>11 It was on a website called Fightline.com,</p> <p>12 and it's an article written by Ryan Clark on August</p> <p>13 30th, 2006, and the name of the file -- the article</p> <p>14 is "Fighter Pay & Other Figures From UFC 62 'Liddell</p> <p>15 versus Sobral.'"</p> <p>16 Okay. And turning to page -- the second</p> <p>17 page of the document, the fourth paragraph from the</p> <p>18 bottom beginning with your name, it says:</p> <p>19 "Jeremy Lappen, chief executive officer</p> <p>20 of the WFA, was escorted out of the</p> <p>21 building at UFC 61 -- UFC 61: Bitter</p> <p>22 Rivals, despite having a ticket given to</p> <p>23 him by Ken Shamrock, whom he used to manage</p> <p>24 and who was fighting."</p> <p>25 Quote, "'I think they're nervous. They</p>	<p style="text-align: right;">141</p> <p>1 A Basically it's the same thing to me, that</p> <p>2 they wanted to be the only game in town.</p> <p>3 Q Do you have a sense of what caused you to</p> <p>4 have this -- these -- this thought?</p> <p>5 A I think it was I'm sure just a whole bunch</p> <p>6 of experiences I had in dealing with them and</p> <p>7 hearing stuff that they were saying when I was</p> <p>8 launching another promotion and hearing what other</p> <p>9 people had gotten from them when they were doing</p> <p>10 other things that were competitive.</p> <p>11 Q Can you give me some examples of things</p> <p>12 they would have said, they being UFC?</p> <p>13 A Truthfully, I don't remember. I don't</p> <p>14 remember. Sorry.</p> <p>15 Q That's fine.</p> <p>16 Do you recall any statements that they</p> <p>17 might have made? You mentioned to other promoters.</p> <p>18 Do you recall any of those statements?</p> <p>19 MR. McSWEENEY: Objection; lacks</p> <p>20 foundation.</p> <p>21 THE WITNESS: I don't remember.</p> <p>22 BY MR. RAYHILL:</p> <p>23 Q But would you say that you -- based on your</p> <p>24 overall experience it sounded like the accumulation</p> <p>25 of your experiences at the time led you to believe</p>